

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44606 of 2014

Arising Out of PS.Case No. -71 Year- 2013 Thana -C.B.I CASE District- PATNA

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Md. Mustfa Son of Md. Kasim Kaji Resident of Village - Kamalpur, Police
Station - Sanhulla, District - Bhagalpur.

.... Petitioner

Versus

The State of Bihar Through Vigilance Investigation Bureau, Bihar, Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Ranjan, Adv.

For the Opposite Party/s : Mr. Ramakant Sharma(L.O.,I/C,Vigi.)

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CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

4 02-03-2015

Heard learned counsel for the parties.

The petitioner seeks bail in a case registered for the offence punishable under Sections 409, 420, 467, 468 and 471 of the Indian Penal Code and Section 13(2) read with Section 13(1)(C)(d) of the Prevention of Corruption Act, 1988.

Allegation against the accused including the petitioner is to have defalcated about Rs.10,00,000/- lakh which was granted by the Government for payment to the farmers as a subsidiary in purchase of diesel for the purpose of agriculture.

Learned counsel for the petitioner submits that the petitioner is the Mukhiya of Kamalpur Shrichak Panchayat. According to rule, he has nothing to do in payment of subsidiary to the farmers. He has further submitted that in similar facts and

circumstances co-accused has been granted anticipatory bail.

Learned counsel for other side submits that the petitioner is Mukhiya of Panchayat and he has also certified that payment has been made to the beneficiaries on his identification, whereas, no payment has been made. Co- accused have been granted anticipatory bail on deposit of alleged amount subject to proper accounting, adjustment, if any and the result of the case. The petitioner has also criminal antecedent as mentioned in the supplementary affidavit. He has also submitted that the petitioner has also taken money more than the land he possesses as grant of diesel.

Learned counsel for the petitioner submits that the petitioner is also ready to deposit a sum of Rs.1,50,000/-, subject to result of the case after the trial and submit the receipt thereof before the trial court.

Considering the facts and circumstances, the above named petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand only) with two **genuine** sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance, II, Patna /court concerned in Special Case No. 23 of 2013, arising out of Vigilance P. S. Case No. 71 of 2013 **after framing of charge** with following conditions:-

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1. The petitioner will not indulge himself in similar or any other offence.
 2. The petitioner will be well represented in the Court on each and every date and in case of absence for two consecutive dates or in case of violation of terms of bail, his bail bond would be liable to be cancelled by the learned Court concerned.

(Amaresh Kumar Lal, J)

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